

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

BRIAN C. DUBRIN,

Petitioner,

v.

DAVE DAVEY,

Respondent.

Case No. CV 10-1032 CJC(JC)  
JUDGMENT

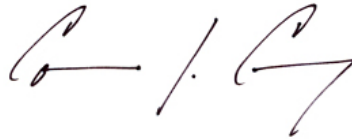
Pursuant to this Court's Order Accepting Findings, Conclusions and  
Recommendations of United States Magistrate Judge,

IT IS ADJUDGED that (1) the Petition for Writ of Habeas Corpus by a  
Person in State Custody filed in the instant action ("2010 Petition") is granted to  
the extent it requests specific performance of the plea agreement term in Los  
Angeles County Superior Court Case No. KA-046040 ("2000 State Case") – that  
such 2000 conviction would not qualify, or be used as a strike by virtue of  
Proposition 21 – and this matter is remanded to the San Bernardino County  
Superior Court ("SBSC") to resentence petitioner accordingly in SBSC Case No.  
FCH07697 within ninety (90) days of the entry of this Judgment or final decision

1 on any appeal therefrom, plus any additional delay authorized under State law; and  
2 (2) the Petition for Writ of Habeas Corpus by a Person in State Custody filed in  
3 Case No. EDCV 12-1578, which has been consolidated with the instant action, is  
4 denied and dismissed with prejudice.

5 IT IS SO ADJUDGED.

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7 DATED: September 29, 2017

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10 HONORABLE CORMAC J. CARNEY  
11 UNITED STATES DISTRICT JUDGE  
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